

PROB 12C
(6/16)

Report Date: March 22, 2023

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Mar 23, 2023**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Justin Richard Byers

Case Number: 0980 2:16CR00116-TOR-1

Address of Offender: Spokane County Jail

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: February 28, 2017

Original Offense: Possession with Intent to Distribute 100 Grams or More of Heroin, 21 U.S.C. § 841(a)(1), (b)(1)(B)(I)

Original Sentence: Prison - 60 months
TSR - 72 months

Type of Supervision: Supervised Release

Revocation Sentence:
(August 12, 2021)Prison - 6 months
TSR - 66 months

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: January 25, 2022

Defense Attorney: Sandy Baggett

Date Supervision Expires: July 24, 2027

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 2/25/2022 and 7/12/2022.

A supervision intake was completed by phone on January 26, 2022. Mr. Byers verbally acknowledged an understanding of the conditions imposed by the Court. On January 31, 2022, Mr. Byers reported to the probation office and signed a copy of his judgment.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
9	<u>Mandatory Condition # 1:</u> You must not commit another federal, state or local crime.
10	<u>Mandatory Condition # 2:</u> You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law.

Supporting Evidence: It is alleged that Justin Byers violated the terms of his supervised release by possessing a controlled substance, Fentanyl, on or about February 27, 2023.

Prob12C

Re: Byers, Justin Richard

March 22, 2023

Page 2

On February 28, 2023, an agent with the Bureau of Alcohol Tobacco and Firearms (ATF) contacted the undersigned officer to advise Mr. Byers was arrested the evening prior. The agent reported that Mr. Byers was located in a RV park in North Spokane. Mr. Byers had initially barricaded himself in a camper, but eventually came out. The camper was searched. They located approximately 1,500-2,000 Fentanyl pills, as well as firearms.

The house Mr. Byers was staying in was also searched. Law Enforcement located approximately a ½ pound of methamphetamine within the residence.

On March 21, 2023, Mr. Byers was indicted in the Eastern District of Washington, case number 2:23CR00034-TOR-1, for Possession with Intent to Distribute 45 Grams or More of Fentanyl, in violation of 21 U.S.C. § 841(a)(1),(b)(1)(B)(vi) and count 2, Felon in Possession of a Firearm, specifically an Interarms 9mm caliber semiautomatic handgun bearing serial number 2114657 and a Sig Sauer Model P365 .380 caliber semiautomatic handgun bearing serial number 66A455436, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8).

11 **Mandatory Condition # 1:** You must not commit another federal, state or local crime.

12 **Standard Condition # 10:** You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).

Supporting Evidence: It is alleged that Justin Byers violated the terms of his supervised release by possessing a firearm, on or about February 27, 2023.

On February 28, 2023, an agent with the Bureau of Alcohol Tobacco and Firearms (ATF) contacted the undersigned officer to advise Mr. Byers was arrested the evening prior. The agent reported that Mr. Byers was located in a RV park in North Spokane. Mr. Byers had initially barricaded himself in a camper, but eventually came out. A search of the camper Mr. Byers was in revealed the presence of firearms.

On March 21, 2023, Mr. Byers was indicted in the Eastern District of Washington, case number 2:23CR00034-TOR-1, for Possession with Intent to Distribute 45 Grams or More of Fentanyl, in violation of 21 U.S.C. § 841(a)(1),(b)(1)(B)(vi) and count 2, Felon in Possession of a Firearm, specifically an Interarms 9mm caliber semiautomatic handgun bearing serial number 2114657 and a Sig Sauer Model P365 .380 caliber semiautomatic handgun bearing serial number 66A455436, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8).

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

Prob12C

Re: Byers, Justin Richard

March 22, 2023

Page 3

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/22/2023

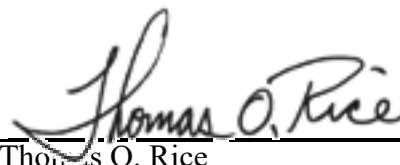
s/Melissa Hanson

Melissa Hanson

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice

United States District Judge

March 23, 2023

Date